

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 18, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 18, 2023, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 345 23
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes from July 11, 2023, were approved by consensus.

**Corre-
spondence**

There was no correspondence.

Public comments were heard.

**Public
Comments**

Mr. Jack Young from the League of Women Voters introduced a member from his organization.

**PZ
Interview**

The Council conducted a public interview for Planning and Zoning Commission nominee Mr. Brian Butler (District 2).

**M 346 23
Approve PZ
Nominee/
Butler**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it moved that Sussex County Council approves the appointment of Mr. Brian Butler to the Sussex County Planning & Zoning Commission effective immediately for a term of three years until such time the term expires in

June 2026.

Motion Adopted: 4 Yeas, 1 Nay

**Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**CC
Initiatives
Update**

Mr. Lawson provided Council with an update regarding County Council initiatives. The list of initiatives was created at the beginning of the year by Members of the Council. The initiative list was broken down into two sections – the priority list and the on-going list.

The priority list included the following initiatives: County Code update; Delaware Code updates; DelDOT initiatives; and P&Z initiatives.

The on-going list includes the following initiatives: airport construction & expansion; broadband; business park expansion; Delaware State Police support; EMS support; Fire & BLS support; and SC Land Trust & open space acquisitions.

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. William C. "Bill" Scott

It is with sadness that we note the recent passing of William C. "Bill" Scott of Selbyville. Mr. Scott, a noted furniture businessman, designed Sussex County's official flag back in the 1970's as part of the nation's bicentennial celebration. Council formally adopted the flag on December 3, 1974. The prototype flag he designed is on display in the lobby in the County Administrative offices in Georgetown. We would like to extend our condolences to the Scott family.

2. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, July 25th. The next regularly scheduled Council meeting will be held on Tuesday, August 1st at 10:00 a.m.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Ocean
Outfall
Repairs**

Mark Parker, Assistant County Engineer presented a recommendation to award for the 2023 Ocean Outfall Repairs project for Council's consideration. Mr. Parker reported that five bids received with one found to be non-responsive.

M 347 23
Approve
Ocean
Outfall
Repairs

A Motion was made by Mr. Hudson, seconded by Mr. Rieley that be it moved based upon the recommendation of the Sussex County Engineering Department, that 2023 Ocean Outfall Repairs, Project G23-18 be awarded to Ballard Marine Construction for a base bid price of \$154,500, with base bid standby crew time and contingent items only used if deemed necessary per the unit prices as submitted.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Permission
to Prepare
& Post
Notices/Red
Fox Run
Annexation
into
SCUSSD

John Ashman, Director of Utility Planning and Design Review presented a request to prepare and post notices for Red Fox Run annexation into SCUSSD (West Rehoboth Area).

The Engineering Department received a request from the Red Fox Run HOA, to make a presentation on requesting central sewer for their community. The Engineering Department met with them at their meeting on March 4, 2023, to provide the details and potential costs. The Board requested that the department circulate polling letters to the property owners to gauge their interest in central sewer service. The responses were received over a three-month period showing 21 in favor, 14 opposed and 12 not responding.

M 348 23
Approve
Prepare &
Post
Notices/Red
Fox Run
Annexation
into
SCUSSD

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that the Sussex County Engineering Department is authorized to prepare and post notices for the Red Fox Run expansion of the Sussex County Unified Sanitary Sewer District to include all parcels in the Red Fox Run subdivision as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**SC WRF/
CO No. 23
& CO. No.
29**

Hans Medlarz, County Engineer presented change order no. 23 and change order no. 29 for South Coastal WRF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program, phase 2 for Council's consideration.

M 349 23
Approve CO
**No. 29/
General**
Construct-
ion

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. 29 for contract C19-11, South Coastal WRF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program, phase 2 – general construction, be approved, decreasing the contract by \$280,489.60.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 350 23
Approve CO
No. 23/
Electrical
Construct-
ion**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 23 for contract C19-17, SCRWF treatment process upgrade no. 3 & RBWTP capital improvement program, phase 2 – electrical construction, be approved, for an increase of \$101,557.20.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Construct
Phase
Services**

Hans Medlarz, County Engineer presented construction phase services for RK&K for professional environmental services for Council's consideration.

**M 351 23
Approve
Construct-
ion Phase
Services**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that be it moved based upon the recommendation of the Sussex County Engineering Department that County Council approve the RK&K construction phase services proposal in the amount of \$96,738.42 and transfer \$16,535.25, the remaining balance of amendment no. 1 for a total of \$113,273.67.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Minor Cap.
Projects**

Hans Medlarz, County Engineer presented minor capital projects approval for Council's consideration.

**M 352 23
Approve
Minor
Capital
Projects**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that Council grant approval of the minor capital projects solicitation process and the issuance of purchase orders in accordance with Sussex County procurement policy.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Grant Requests

Mrs. Jennings presented grant requests for Council's consideration.

**M 353 23
Town of
Laurel**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Vincent's Councilmanic Grant Account) to Town of Laurel for their 4th of July fireworks display.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 354 23
The Society
of St.
Andrew,
Inc.**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,500 (\$1,000 from Mr. Hudson's Councilmanic Grant Account and \$500 from Mrs. Green's Councilmanic Grant Account) to The Society of St. Andrew, Inc. for their Delmarva Gleaning Network.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 355 23
La
Esperanza
Inc.**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$500 (\$500 from Mr. Rieley's Councilmanic Grant Account) to La Esperanza Inc. for their Comprehensive Immigration Services program.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 356 23
Friends of
Georgetown
Public
Library, Inc.**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$500 (\$500 from Mr. Rieley's Councilmanic Grant Account) to Friends of Georgetown Public Library, Inc. for their annual 5K race.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 357 23
Lillette's
Foundation
for the Arts,
Inc.**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Rieley's Councilmanic Grant Account) to Lillette's Foundation for the Arts, Inc. for their Music and Me program.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Introduction of Proposed Ordinances Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.19 ACRES, MORE OR LESS” filed on behalf of Belmead Farm, LLC

Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS” filed on behalf of Reed Properties, LLC

The Proposed Ordinances will be advertised for a Public Hearing.

Council Member Comments Mr. Hudson commented that Mr. Zach Gelof was called up to the Major League last week for the Oakland A’s.

Mrs. Green commented that the Town of Greenwood experienced flooding this past weekend.

M 358 23 Go into Executive Session At 11:07 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to recess the Regular Session, and go into Executive Session to discuss matters relating to collective bargaining, land acquisition and pending/potential litigation.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Executive Session At 11:13 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to collective bargaining, land acquisition and pending/potential litigation. The Executive Session concluded at 11:44 a.m.

M 359 23 Reconvene At 11:46 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

E/S Action There was no action relating to Executive Session matters.

M 360 23 A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to recess
Recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 361 23 At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley
Reconvene to reconvene.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Public A Public Hearing was held on the Warrington Farm Annexation into the
Hearing/ Sussex County Unified Sanitary Sewer District (West Rehoboth Area).
Warrington

Farm John Ashman, Director of Utility Planning and Design Review reported
Annexation the County approved the permission to prepare and post notices for the
into Warrington Farm Expansion of the SCUSSD on May 9, 2023. The
SCUSSD Engineering Department had received a request from Davis, Bowen &
Friedel, Inc, on behalf of their client J.G. Townsend Jr. & Co. the
owners/developers of parcel 334-12.00-123.01 off Old Landing Road. The
project is a by-right subdivision. The project will be responsible for
System Connection Charges in place at the time of request for permit.
Mr. Ashman reported that there has been no correspondence received to
date in support or opposition of the annexation.

There were no public comments.

The Public Hearing and public record were closed.

M 362 23 A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt
Adopt Resolution No. R 014 23 entitled "A RESOLUTION TO EXTEND THE
Resolution BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER
No. R 014 DISTRICT (SCUSSD), TO INCLUDE ONE PARCEL ON THE WEST
23/ SIDE OF OLD LANDING ROAD. THE PARCEL IS LOCATED IN THE
Warrington LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

Farm **AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea**

Rules **Mr. Moore read the rules and procedures for public hearings.**

**Public Hearing/
Ord No.
23-10/
Amenities** **A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE III, SECTION 99-21 “PUBLIC SITES AND OPEN SPACES” AND CHAPTER 115, ARTICLE XXV, “SUPPLEMENTAL REGULATIONS” OF THE CODE OF SUSSEX COUNTY REGARDING THE TIMING OF CONSTRUCTION FOR AMENITIES IN RESIDENTIAL DEVELOPMENTS”.**

The Planning & Zoning Commission held a Public Hearing on the Proposed Ordinance on June 8, 2023. At the meeting of June 8, 2023, the Planning & Zoning Commission recommended adoption of the Proposed Ordinance for reasons given.

Jamie Whitehouse, Planning and Zoning Director presented the Proposed Ordinance.

Mr. Robertson stated that the Proposed Ordinance mostly applies to subdivisions; that there are amenities in subdivisions; that one of the conditions that the Commission puts on is the time by which those amenities and recreational facilities must be completed; that there is a range of time frames that the amenities need to be completed but there is no consistency; that this is to make it uniform; that the Proposed Ordinance will require all amenities to be completed by 60% of the total residential building permits for the subdivision.

There were no public comments.

The Public Hearing and public record were closed.

**M 363 23
Adopt
Ordinance
No. 2938/
Amenities** **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2938 entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE III, SECTION 99-21 “PUBLIC SITES AND OPEN SPACES” AND CHAPTER 115, ARTICLE XXV, “SUPPLEMENTAL REGULATIONS” OF THE CODE OF SUSSEX COUNTY REGARDING THE TIMING OF CONSTRUCTION FOR AMENITIES IN RESIDENTIAL DEVELOPMENTS” based on the evidence given today and the recommendation given by the Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2421**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 46.17 ACRES, MORE OR LESS” (properties lying on the south side of Phillips Hill Road [S.C.R. 472], approximately 0.63 mile west of Revel Road [S.C.R. 410]) (911 Address: 22518 Phillips Hill Road, Millsboro) (Tax Map Parcels: 133-19.00-21.00 & 22.00) filed on behalf of Jonathan & Laura Brittingham

The Planning & Zoning Commission held a Public Hearing on the application on June 8, 2023. At the meeting of June 22, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and subject to the 9 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Ms. Mackenzie Peet, Esq., with Saul Ewing, LLP, spoke on behalf of the Applicants, Jonathan & Laura Brittingham. Ms. Peet stated the Applicants are requesting a Conditional Use of land in an AR-1 (Agricultural Residential) district for properties located on Phillips Hill Rd. in Millsboro; that parcel 21 is the larger parcel of land consisting of approximately 32 acres; that the aerial imagery shown on Sussex County’s mapping is not up to date, as the reflected chicken houses have been removed; that the proposed use of an event venue is to be located primarily to the right of the site; that a copy of an updated plan was submitted; that Brittingham Farms was originally a green farm located in Millsboro; that the farm is almost a century old and has been open to the public, selling products grown on-site; that the public has benefitted from the access to their lavender fields since 2020; that Brittingham Farms is specifically known for their Lavender and Land experience; that the lavender bloom season is between June to August; that those who visit the farm have the opportunity to walk through the lavender fields; that there is a total of 3,200 lavender plants currently; that patrons can watch distillation of all the lavender plants, where the plants are turned into oil; that Brittingham Farms collaborates with many local philanthropic, educational and charitable groups; that Brittingham Farms is listed as one of the Department of Agriculture’s agritourism attractions in Sussex County; that Brittingham Farms requests to expand its offerings to allow for onsite events that may not otherwise fall within the agritourism activity exemption; that the Brittingham’s are looking to offer events such as weddings, showers, benefits, dinners, festivals and parties, and therefore are seeking Conditional Use approval for an event; that in the event of rain, events may potentially be held in what is currently an equipment garage, that

**Public
Hearing/
CU2421
(continued)**

will be repurposed contingent on the approval of the Conditional Use request; that the Applicant is in agreement with all of the proposed conditions recommended by the Commission; that a later time for events was requested to go until 11:00 p.m. rather than 10:00 p.m. on Friday and Saturday; that the first reason provided by the Commission limited the use to the roughly half acre piece; that she wanted to be clear that the use would also potentially be used in another building.

There were no public comments.

The Public Hearing and public record were closed.

**M 364 23
Amend
Reason No.
1/CU2421**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to change the reason on No. 1 to remove the language “will occur on a .4674-acre area within a larger 46.17-acre” and instead state “the use shall occur on a 46.17-acre.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 365 23
Adopt
Ordinance
No. 2939/
CU2421**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2939 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 46.17 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows and as amended by this Council:

1. The use will occur on a 46.17-acre parcel of land owned by the applicant. This larger parcel is currently being used for agricultural purposes and the record shows that it is now planted with 3,200 lavender plants.
2. The use will occur within renovated agricultural buildings and the areas surrounding those buildings.
3. This use is an extension of the prior and ongoing agricultural use of the property. It is also consistent with the agricultural uses that occur on the surrounding farmland. The use is an “agritourism” location in Sussex County.
4. The Applicant intends to hold events that include weddings, birthday parties, festivals, dinners, parties, and similar functions with limited hours.
5. The site will have sufficient areas for parking.
6. With the conditions and limitations placed upon this Conditional Use, it will not adversely affect neighboring properties or area roadways.
7. The use promotes agricultural activities in Sussex County and is an

**M 365 23
Adopt
Ordinance
No. 2939/
CU2421
(continued)**

- innovative agritourism destination.**
- 8. No parties appeared in opposition to the Application.**
 - 9. This recommendation is subject to the following conditions:**
 - A. The area shall be an events venue for weddings, benefits, concerts, dinners, festivals, parties, and similar activities.**
 - B. The area set aside for the Conditional Use, including all areas to be used for parking, shall be clearly shown on the Final Site Plan.**
 - C. All events shall end no later than 12:00 a.m. on Friday and Saturday nights, with all music ending at 11:00 p.m. On all other days of the week, all events shall end by 10:00 p.m.**
 - D. Any food and beverage service shall be provided by catering services. No permanent on-site kitchen facilities shall be permitted except for warming or final food prep as needed.**
 - E. Portable toilet facilities may be used during events as needed.**
 - F. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. The interior driveways and parking areas shall contain sufficient space for vehicles and shuttle buses to turn around completely on the site.**
 - G. All activities on the premises shall comply with Fire Marshal, parking capacity, and general permitting requirements.**
 - H. All entrance locations shall be subject to the review and approval of DeIDOT.**
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2423**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL KITCHEN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS” (property lying on the east side of Calhoun Road [S.C.R. 621], approximately 0.79 mile south of Shawnee Road [Route 36]) (911 Address: 7485 Calhoun Road, Milford) (Tax Map Parcel: 130-6.00-94.02) filed on behalf of Jennifer C. Attix

The Planning & Zoning Commission held a Public Hearing on the applications on June 8, 2023. At the meeting of June 8, 2023, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 10 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the

**Public
Hearing/
CU2423
(continued)**

application.

The Council found that Ms. Jennifer Attix spoke on behalf of her application. Ms. Attix stated she lives on the property; that she requests permission to place a commercial kitchen in her garage; that she has been a massage therapist in Delaware for the past 18 years; that massage is a strenuous business; that because of the health of her body, she desires to change careers; that she does not want to be dependent on the government to support her daughter and herself; that she intends to support her daughter and herself by opening her newly proposed business; that she lost her husband in September 2021; that her heart and her body are telling her she needs to do something different concerning her career; that she and her husband would always have family and friends over for meals, and they frequently cooked together; that she had not done much cooking since her husband's death; that she is proposing a meal prep, take-out food business, to be called Kitchen Coop; that she feels it is a way she can continue her passion of feeding people, while also honoring the memory of her husband; that the concept for the Kitchen Coop is simple; that a menu will be posted on social media, containing a link to click on and order; that there will be sign up time slots under the menu items; that customers will sign up, pay, and will be provided a pick up day and time; that there will not be any offering for dining in; that the business will be take-out only; that many people work, leaving them with little time to cook, or they may not like to cook; that in these circumstances, Kitchen Coop will come in and hopefully help families in the community; that the adjacent property is owned by a relative; that there are no houses around her property, only equipment sheds and fields; that she is not proposing any additional lighting, however, in the event she did, she did not anticipate it would impact anyone; that currently there is a fence contract signed by herself and the adjacent property owner, her relative; that the contract states a fence will be placed between her driveway and the adjacent driveway located next to hers; that she recently received her approval to construct from the Board of Health; that the Board of Health have approved her Site Plan, commercial equipment and materials; that she has not yet began operation, as her business is brand new; that she is unsure of her proposed number of hired employees, as her business is in its beginning phase; that her business will be a family operated business; that she would estimate hiring three to four non-related employees in the future; that currently, she is unsure the amount of customers she will have; that in the beginning phase, she intend to offer a limited menu per day; that during this beginning phase, she will only be working on Mondays, as she will still be providing massage services until the new business takes off; that she anticipated as many as 50 to 100 meals be prepared on the one day; that some of the meals will be family size, serving two to four people; that other meals will be individual portions; that she anticipated no more than 25 to 30 vehicles to visit the site per day; that all customers will have assigned pick up times; that she has a good sized driveway and the property offers plenty of parking for customers; that parking can also be utilized behind her garage; that she also has a signed letter of support from Senator Dave Wilson; that Senator Wilson believes in her and the service she will be offering and she hoped the Council would believe in her and her new business endeavor as

well.

There were no public comments.

The Public Hearing and public hearing were closed.

**M 366 23
Adopt
Ordinance
No. 2940/
CU2423**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 2940 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL KITCHEN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. This is an application to allow a commercial kitchen within an existing structure on property owned by the Applicant. It will occur within a 24’ by 40’ garage that is attached to the Applicant’s home.**
- 2. The kitchen will be used to support the Applicant’s personal meal preparation and catering business, being known as the Kitchen Coop. This will be take-out only, and no dining will occur onsite.**
- 3. Based upon the record, the use of a commercial kitchen will not generate a significant amount of traffic through deliveries or customers.**
- 4. There are no nearby homes of other ownership, and the use will not adversely affect neighboring properties, the community, or area roadways.**
- 5. The use provides a needed service for nearby residents and families who are unable or unwilling to cook for themselves. As a result, it has a public or semi-public use.**
- 6. No parties spoke in opposition to this Application.**
- 7. This recommendation is subject to the following conditions:**
 - A. The use shall be limited to a commercial kitchen.**
 - B. No sit-down dining shall be allowed on the site.**
 - C. Customers shall make reservations so that the food pickups are staggered to avoid traffic congestion on the site and adjacent roadways.**
 - D. The use shall comply with all setback and parking requirements.**
 - E. As stated by the Applicant, there shall be a fence constructed between the Applicant’s driveway and the neighbor’s driveway, so that none of the Applicant’s customers use the wrong driveway.**
 - F. The Applicant shall comply with all DelDOT requirements.**
 - G. Any dumpsters or trash containers associated with the use shall be screened from view of neighboring properties and roadways.**
 - H. The use shall comply with any Federal, State, or Local requirements regarding wastewater and grease discharges.**
 - I. One lighted sign shall be permitted. It shall not be larger than 32 square feet on each side.**

**M 366 23
Adopt
Ordinance
No. 2940/
CU2423
(continued)**

J. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2437**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.95 ACRES, MORE OR LESS” (property lying on the north side of Burton Farm Road [S.C.R. 373] and the west side of Blackwater Road [S.C.R. 374] at the intersection of Burton Farm Road [S.C.R. 373] and Blackwater Road [S.C.R. 374]) (911 Address: 34309 Burton Farm Road, Frankford) (Tax Map Parcel: 134-15.00-19.02 [p/o]) filed on behalf of James R. Powell

The Planning & Zoning Commission held a Public Hearing on the application on June 8, 2023. At the meeting of June 22, 2023, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and 12 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Ms. Judy Powell spoke on behalf of the Application. Mrs. Powell stated she represented her husband and herself; that her husband could not attend the meeting, as he drives a school bus; that they request a Conditional Use for boat and RV storage to be located on 7.95 acres of their 13.55 total acres of property; that there would be a six-foot fence with barbwire on top; that they are proposing lighting that she believes would not affect the neighbors; that there is a 20-foot buffer on the outside of the fence; that there will be a key card or code for people to get in and out which will be a sliding gate; that she is in an area where there is 2-3 large developments pending approval; that there would be security.

Public comments were heard.

Mr. Greg Powell spoke in opposition of the application; that he lives near the proposed property; that he is going to have to look at the cars and buses coming out of his lane; that he believes this will affect the value of his property; that he believes that it will bring crime to the area of people trying to steal items; that he is opposed to this because it is agricultural and he believes it should stay that way.

**Public
Hearing/
CU2437
(continued)**

Ms. Sharon Davis spoke in opposition of the application; that she owns all of the property to the left consisting of about 36 acres; that she believes that it will affect the value of her property; that she has a renter in one of the houses that is almost to the lane; that she believes if she ever desires to develop, people will not want to see this in their front yards.

The Public Hearing and public record were closed.

**M 367 23
Adopt
Ordinance
No. 2941/
CU2437**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2941 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The Applicant seeks approval for an RV and boat storage facility on approximately 7.95 acres.**
- 2. There is a need for the use proposed by the Applicant in this area of Sussex County. There are many nearby residential developments that prohibit the storage or parking of boats and RVs within them. This is an appropriate, convenient location that addresses the need for off-site storage of their boats and RVs.**
- 3. The Applicant has stated that access will be limited and will be controlled by keycards. As a result, the use will not have a substantial impact upon area roadways.**
- 4. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.**
- 5. The use as a boat and RV storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.**
- 6. No parties appeared in opposition to this Application.**
- 7. This recommendation for approval is subject to the following conditions:**
 - A. The use shall be limited to the storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.**
 - B. The facility shall only be accessible from 6:00 am until dusk and access to the site shall be locked to prevent after-hours access.**
 - C. The perimeter of the site shall be fenced with a 6-foot-high fence that screens the property from neighboring and adjacent properties and roadways.**
 - D. There shall be a landscaping buffer between the outside of the fence and any adjacent residential properties to screen the use and the fence from those adjacent homes. The Final Site Plan for this use shall show the location of this buffer and it shall include a landscaping plan for it.**

**M 367 23
Adopt
Ordinance
No. 2941/
CU2437
(continued)**

- E. No sales or maintenance of boats or RVs shall occur on the site.**
- F. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- G. No more than 250 boats and RVs shall be permitted on the site.**
- H. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.**
- I. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.**
- J. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.**
- K. No junked or unregistered boats, boat trailers, or RVs shall be stored on the site.**
- L. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ1982**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM RESIDENTIAL–RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM RESIDENTIAL–RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1474 (ORDINANCE NO. 1572) RELATING TO THE REQUIREMENT TO PROVIDE A PARK AND RIDE FACILITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.2 ACRES, MORE OR LESS” (property lying on the west side of Bay Farm Road [S.C.R. 299] and the east side of Starling Lane, approximately 0.56 mile southeast of John J. Williams Highway [Route 24]) (911 Address: N/A) (Tax Map Parcel: 234-29.00-248.04) filed on behalf of Peninsula Lakes, LLC

The Planning & Zoning Commission held a Public Hearing on the application on June 8, 2023. At the meeting of June 22, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Tim Green, Development Manager for Peninsula Lakes, spoke on behalf of the Applicant, Peninsula Lakes, LLC, as well as the residents of the Peninsula Lakes community; that the Peninsula Lakes was approved in 2008 with the condition that a Park &

**Public
Hearing/
CZ1982
(continued)**

Ride be constructed on the community, at a location determined by DART; that in 2021, as development activities moved in the direction of the proposed location for the Park & Ride, he began receiving a lot of feedback and pushback from residents related to the Park & Ride facility; that the residents came out in droves expressing their concerns for the impacts the parking lot could potentially have on their community; that as a result of this, he reached out to DART to learn more about what a Park & Ride facility entailed; that he was surprised to learn that DART was unaware of the imposed condition for the project, and DART had no plans to service a facility at Peninsula Lakes; that at the request of DART, he reached out to the residents to gather their input via survey; that in 2021 they surveyed 350 residents to determine if the proposed facility would be supported by them; that the results were very clear, and the residents did not want the Park & Ride; that 95% of respondents were opposed to the condition in 2021; that the most recent survey conducted in June 2023, 98% of respondents were opposed to the condition; that residents cited concerns regarding increased traffic, being the primary concern, trash, maintenance costs, insurance, loitering, pollution, and various other concerns; that the bus service could potentially start as early as 5:15 a.m. and finish as late as 10:30 p.m.; that the residents of Peninsula Lakes do not feel a residential community is an appropriate location for a Park & Ride facility, especially being located at the entrance; that the current design does not comply with current DART specifications for Park & Ride facilities, and would require re-engineering; that with this information in mind, Mr. Kaufmann, being the fixed route planner with DART, determined that DART would not service the facility if constructed; that a letter stating Mr. Kaufmann's official determination was submitted in the record; that currently, the community is obligated to build a Park & Ride facility that is not supported by the residents or by DART; that if they are still required to build the facility by the County, it would immediately become a vacant parking lot, potentially inviting unwanted behaviors by non-residents; that current residents and the board members desire more open space for passive recreation and enhanced landscaping, and these are the things he is prepared to provide, should the Park & Ride condition be removed; that not only is the open space welcomed by the residents, the reduction of impervious surfaces is something everyone can support and for the reasons stated he requested the Council approve the request to amend the Conditions of Approval for Peninsula Lakes, to remove Condition 17.

There were no public comments.

The Public Record and public comment were closed.

**M 368 23
Adopt
Ordinance
No. 2942/**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2942 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND

CZ1982

CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1474 (ORDINANCE NO. 1572) RELATING TO THE REQUIREMENT TO PROVIDE A PARK AND RIDE FACILITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.2 ACRES, MORE OR LESS” for the reasons given by the Planning and Zoning Commission as follows:

- 1. When Change in Zone No. 1474 and Ordinance No. 1572 were approved for the Peninsula Lakes MR-RPC, that approval included a condition requiring a “Park & Ride” facility within the development. Specifically, Condition No. 7 of the MR-RPC approval stated as follows:
*“The development shall contain a “Park & Ride” parking and pick up facility available to the public at a location to be determined by DART and subject to Site Plan Review by DelDOT and the Planning & Zoning Commission. These improvements shall be completed within two (2) years of the issuance of the first building permit.”***
- 2. The residents of Peninsula Lakes were surveyed about the possibility of a Park & Ride facility within their development. Comments were solicited from 100% of the existing property owners. Of the 259 results received, 253 residents did not want the Park & Ride facility within their development. That represents 98% of the people who responded. That is a substantial majority in favor of the removal of the Park & Ride condition of approval.**
- 3. DelDOT and DTC have no objection to the removal of the Park & Ride facility. The Applicant testified that DelDOT and DTC were not aware of the proposed location and have no plans to construct a Park & Ride facility within this development. A representative of DTC confirmed this by testifying during the hearing.**
- 4. Because DelDOT and DTC have stated that there are no plans to install a Park & Ride facility in this location and they are not going to do so, compliance with this condition is impossible. For that reason, it should be deleted.**
- 5. Reasons given by the community in support of the removal of this condition included increased noise within the residential development; pedestrian and vehicular safety concerns; increased exhaust and pollution within the development; additional wear and tear on subdivision streets from the large buses and additional traffic; the impact of increased light pollution from the use; and other factors. These are all viable reasons and support the deletion of this condition. There is no compelling reason to place a large public transportation hub and all that is involved with that type of use within this residential community.**
- 6. It is likely that a Park & Ride facility is appropriate for this area of the County. However, there are much more appropriate locations for such a use that are in closer proximity to Route 24, have greater visibility to the traveling public, and are generally more accessible to everyone using the system.**

**M 368 23
Adopt
Ordinance
No. 2942/
CZ1982
(continued)**

- 7. Finally, there is no clarity in the record from the original approval justifying this Park & Ride facility in the first place.**
- 8. For all of these reasons, it is appropriate to delete Condition No.7 from the Conditions of Approval of the Peninsula Lakes MR-RPC.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ1990**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.76 ACRES, MORE OR LESS” (properties lying on the southeast side of Learning Lane and the northwest side of Best Lane, at the intersection of Coastal Highway [Rt. 1] and Best Lane) (911 Address: 31169 & 31174 Learning Lane, Lewes) (Tax Map Parcels: 235-23.00-53.02 & 53.04) filed on behalf of Beach Partners, LLC

The Planning & Zoning Commission held a Public Hearing on the application on June 8, 2023. At the meeting of June 8, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Mark Davidson, Principal Land Planner with Pennoni Associates, spoke on behalf of the Applicant and Owner, Mr. Sean Toner. Mr. Davidson stated that Mr. Toner, was unable to attend the meeting, so he would proceed on his behalf; that the Application is to request a rezoning of lands located within the AR-1 (Agricultural Residential) and MR (Medium-Density Residential) Districts, located on a total of 1.76 acres in the Broadkill Hundred; that the property is located on the west side of Coastal Hwy. and the on the north side of Best Lane; that the Applicant is requesting the lands to be rezoned to the C-2 (Medium Commercial) District; that the properties were purchased by Beach Partners, LLC on March 23, 2001; that Mr. Toner is the managing member of Beach Partners, LLC; that these properties are the home of Beach Babies and Beach Buddies childcare facilities; that the facilities have been providing care for infants to children 12 years of age, for the last 22 years, in this location; that Mr. Toner has additional locations located in Rehoboth, Milford and Townsend; that the properties are bordered on the east by Coastal Hwy., which is a principal arterial; that the property is bordered on the west side by open space and recreational area belonging to that property; that the site access is provided

**Public
Hearing/
CZ1990
(continued)**

by Learning Lane, being accessed off Best Lane; that Delaware Guidance Services for Children is located to the north of the site; that the properties have been the subject of three approved Special Use Exceptions, dating back to March 2000, March 2002 and January 2012, in relation to the childcare center and daycare facility; that the approvals can be found within Tab 3 of the submitted booklet; that in Ordinance 2550, Sussex County Council desired to create a more specific C-2 (Medium Commercial) Zoning District, with smaller, more related uses within the district to promote better planning and predictability within Sussex County; that the purpose of the C-2 (Medium Commercial) District is to support uses that include retail sales and performance of consumer services, that permit a variety of retail professional service businesses; that the two existing facilities provide the service of daycare; that approval of the application to C-2 for a commercial rezoning will allow Beach Partners, LLC to continue expanding their business plan of childcare facilities and programs in the community, recognizing benefits in the form of a better financial position when seeking funding, as well as to expand on promotional awareness of the programs they provide daily; that the proposed rezoning for this property is in the vicinity of other commercially zoned properties; that the submitted zoning maps reflect many smaller lots along the frontage, that border along Coastal Hwy. are all zoned for commercial; that there are some Conditional Uses along these areas as well, but primarily it is commercial activity happening along that section of the highway; that on the opposite side of the highway, there are commercially zoned properties; that they feel the rezoning will not diminish or impair property values within the neighborhood, will not create a public nuisance or result in any increase in public expenditures; that the site is completely built, occupying both Beach Babies and Beach Buddies on the two existing sites; that according to the 2019 Sussex Comprehensive Plan the properties are located within the Coastal Area, which is a Growth Area; that the Comprehensive Plan seeks to encourage the County's most concentrated forms of new development to Growth Areas, including commercial development; that Comprehensive Plan suggests that each application should be reviewed on its own merit to ensure that it does not have a negative impact on the surrounding area or the County in general; that the Growth Area is an area which promotes growth and development in areas where capital facilities and infrastructure already exist; that the site currently has access off Best Lane; that there are no new entrances being requested for the site; that the site is located within Tier I of the Sussex County Sanitary Sewer District; that Tidewater Utilities will provide water to the site; that there is a future expansion of Coastal Hwy., with an overpass coming off Cave Neck Rd.; that a new northbound lane will be constructed, with the old northbound lane becoming the new southbound lane, further pushing the property away from the existing highway; that the site will have easy access to the highway system, as it will be accessed off the service road; that the rezoning will allow for continued funding for the Applicant's operations, and will allow him to promote with better signage; that Coastal Areas are areas that can accommodate development, provided special environmental concerns are addressed; that an Environmental Assessment Report was provided for the Application; that according to the State Strategies for Policies and Spending,

**Public
Hearing/
CZ1990
(continued)**

the properties are located within Level 2 and Level 3; that the properties are located within Flood Zone X; that there are no wetlands located on the properties; that the properties are located within an Excellent Groundwater Recharge Area, as well as a Wellhead Protection Area; that the site has already been developed, and the Applicant is not requesting any further improvements; that the proposed rezoning meets the general purpose of the Zoning Ordinance, being located in an appropriate location, by meeting the purpose of the district and the Future Land Use Plan, the strategies and objectives of the Comprehensive Plan, that promotes growth and development of through community design, mobility, utilities, transportation, and economic development, in an area where a general mixture of commercial and service activities currently exist and is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.

There were no public comments.

The Public Hearing and public record were closed.

**M 369 23
Adopt
Ordinance
No. 2943/
CZ1990**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2943 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.76 ACRES, MORE OR LESS” for the reasons given by the Planning and Zoning Commission as follows:

1. C-2 (Medium Commercial) Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads. The property’s location along Route 1 satisfies this intent.
2. The Applicant’s property is currently split-zoned as MR and AR-1 along Route One. It is currently used for business purposes as a daycare facility for children up to 12 years of age, approved by the County. There are also other commercially zoned properties in the area with C-1 zoning on the opposite side of Route 1 and B-1 in the immediate vicinity of this site. There are also a number of small businesses, offices, and commercial uses nearby. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location along Route One will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. The proposed rezoning meets the general purpose of the Zoning

M 369 23
Adopt
Ordinance
No. 2943/
CZ1990
(continued)

Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.

- 7. No parties appeared in opposition to the rezoning application.**
- 8. Any future changes to the use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 2:34 p.m.

M 370 23
Adjourn

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

{An audio recording of this meeting is available on the County's website.}